

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 05-10115-WGY
	)	
DAVID W. SWANBERG,	)	
	)	
Defendant.	)	

**UNITED STATES' MOTION FOR DEFAULT**

Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, the plaintiff, United States of America, moves this Court to enter a default against the defendant, David W. Swanberg (hereinafter "Swanberg"), for failing to plead to, or otherwise defend, the complaint for the above captioned action.

In support, the United States says:

1. According to our office records, Swanberg is indebted to the United States for the principal amount of \$311,179.52; plus \$105,916.34 accrued interest at the rate of 5.0 percent; plus costs. The total balance as of March 29, 2005 is \$417,095.86.

2. The submitted affidavit of Nancy M. Rojas, Paralegal for the United States Attorney's Office Financial Litigation Unit, Boston, Massachusetts, establishes Swanberg's failure to plead to the complaint.

WHEREFORE, the United States moves this Court to enter a default, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, against Swanberg for failing to plead to, or otherwise defend, the complaint in the above captioned action.

Respectfully submitted,

UNITED STATES OF AMERICA  
By its attorneys

MICHAEL J. SULLIVAN  
United States Attorney

By:

/s/ Christopher R. Donato  
CHRISTOPHER R. DONATO  
Assistant U.S. Attorney  
1 Courthouse Way, Suite 9200  
Boston, MA 02210  
(617) 748-3288

Dated: March 31, 2005

**CERTIFICATE OF SERVICE**

Suffolk, s.s.

Boston, MA

I hereby certify that on this day, I served a copy of the foregoing by mailing to David W. Swanberg located at 199 Pleasant Street, Pembroke, MA 02539.

/s/ Christopher R. Donato  
CHRISTOPHER R. DONATO  
Assistant U.S. Attorney

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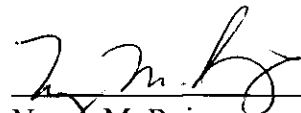
**AFFIDAVIT SUPPORTING UNITED STATES' MOTION FOR DEFAULT**

I, Nancy M. Rojas, state under oath that:

1. I am a Paralegal with the United States Attorney's Office Financial Litigation Unit located in Boston, Massachusetts.

2. In that capacity, I process and maintain debt collection cases, including the case of David W. Swanberg (hereinafter "Swanberg"). I am also the custodian of the records for such cases.

3. Swanberg was served, according to the return of service, with a summons and complaint on February 4, 2005 at 199 Pleasant Street, Pembroke, MA 02539. See attached Exhibit "A". As of March 29, 2005, Swanberg has not served on the United States Attorney an answer, or other responsive pleading, to the complaint in the above captioned action.

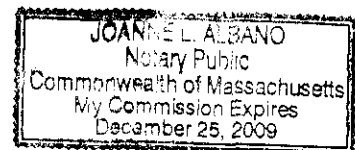
  
Nancy M. Rojas  
Paralegal

Date: March 30, 2005

Signed and sworn to before me at Boston, Massachusetts, on this 30 day of March, 2005.

  
Notary Public

My commission expires:



U.S. Department of Justice  
United States Marshals Service**PROCESS RECEIPT AND RETURN**

See Instructions for "Service of Process by the U.S. Marshal" on the reverse of this form.

PLAINTIFF	United States of America	COURT CASE NUMBER	05-10115-WGY
DEFENDANT	David W. Swanberg	TYPE OF PROCESS	Summons & Complaint
<b>SERVE</b> ➔ <b>AT</b>	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN		
	David Swanberg		
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)		
	199 Pleasant Street, Portsmouth, NH 02859		

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:		Number of process to be served with this Form - 285	1
Nancy Ryan Federal Office U.S. Attorney's Office One Courthouse Way Boston, MA 02108		Number of parties to be served in this case	1
		Check for service on U.S.A.	<input checked="" type="checkbox"/>

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Please make service prior to April 15, 2005.

 JUN 19 10 22 AM  
 U.S. MARSHAL SERVICE  
 BOSTON, MA

Signature of Attorney or other Originator requesting service on behalf of:	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER	617-748-2088	DATE	1/18/05
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**SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE**

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin	District to Serve	Signature of Authorized USMS Deputy or Clerk	Date
	1	No. 38	No. 38	Heather Johnson	1/18/05

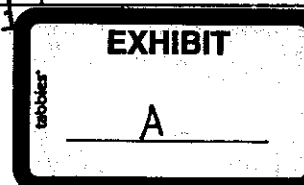
I hereby certify and return that ☒ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode.
David Swanberg (Defendant)	
Address (complete only if different than shown above)	Date of Service Time Signature of U.S. Marshal or Deputy

Service Fee	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or Clerk	Amount of Refund
45.00	21.90	—	66.90	—		

REMARKS:

1 down/1 hr, 30 miles [60] (WIC)

 RECEIVED  
 U.S. ATTORNEY  
 FEB 15 10 15 AM '05


NOTE